

# **HURRICANE HARVEY**

## **EMERGENCY GUIDANCE REGARDING ASBESTOS ABATEMENT IN TEXAS COUNTIES UNDER THE GOVERNOR'S DISASTER DECLARATION**

GUIDANCE DATE: September 19, 2017

### **Duration of the Emergency Guidance Provisions:**

Except as otherwise noted, the provisions of this guidance document will remain in effect for the duration of the Governor's Disaster Declaration, unless the Office of the Governor earlier terminates the Department's authority for these emergency provisions or the Department determines that there is no longer a need for them.

### **Asbestos License Requirements:**

To perform asbestos abatement and renovation work in public buildings in Texas, individuals and companies must have current licenses issued by the Texas Department of State Health Services (DSHS). This includes individuals and companies licensed by other states.

Current Texas licensees who are unable to renew their licenses in a timely manner during the period of declared disaster will have their licenses extended for up to 90 days, and associated late renewal fees will be waived.

### **Reciprocal Licenses**

Out-of-state asbestos abatement companies interested in performing asbestos-related work may submit a reciprocity application, per Title 25 of the Texas Administrative Code (TAC), Chapter 295, Section 39, for a Texas license. Application requirements for obtaining a reciprocity license include:

- Submit documentation from the Texas Secretary of State authorizing the company to conduct of business in Texas
- Submit a sales tax account number obtained from the Texas Comptroller of Public Accounts
- Submit a certificate of liability insurance
- Submit proof of worker's compensation insurance coverage
- Submit payment of the non-refundable fee required for the applicable license type.

Employees of companies licensed under 25 TAC §295.39 are subject to applicable licensing requirements.

## **Provisional Licenses**

The following provisional license guidance applies to individuals who wish to engage in asbestos abatement in the counties under the Texas Governor's Disaster Declaration. As of September 18, 2017, the effected counties are:

Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Jackson, Jasper, Jefferson, Jim Wells, Karnes, Kerr, Kleberg, Lavaca, Lee, Leon, Liberty, Live Oak, Madison, Matagorda, Milam, Montgomery, Newton, Nueces, Orange, Polk, Refugio, San Jacinto, Sabine, San Augustine, San Patricio, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Willacy, and Wilson.

Out-of-state asbestos workers, supervisors, inspectors, and management planners may apply for a provisional license under 25 TAC §39(g):

- A provisional license or registration is valid until the date the department approves or denies the provisional license or registration holder's application for licensing or registration, or 180 days after the date the provisional license or registration is issued, whichever comes first.
- Non-refundable provisional license or registration fees are as follows:
  - asbestos abatement worker--\$30;
  - asbestos inspector--\$60;
  - individual asbestos management planner--\$120; and
  - asbestos abatement supervisor--\$300
- A person may receive a provisional license issued by the department if the following criteria are met:
  - the person requesting the provisional license or registration has been licensed or registered in good standing in that discipline for at least two years in another state, including a foreign country, that has licensing or registration requirements substantially equivalent to the requirements of these rules;

- the person requesting the provisional license has passed an examination recognized by the department relating to the provisional license requested.
- the person requesting the provisional license has included the name of their employer in the application and that employer is licensed by the State of Texas.

A holder of a provisional license issued under 25 TAC §295.39(g) may apply for a full license or registration under 25 TAC §295.38(k), which includes a requirement for completion of a minimum three-hour training from a DSHS-licensed training provider covering Texas law and regulations. That training will not be required as a prerequisite for a provisional license issued during the period of the Governor's declared disaster.

Out-of-state persons that qualify for the Individual Consultant, Air Monitoring Technician, or Project Manager licenses may apply for a two-year licensure following the provisions 25 TAC §295.39 and other applicable provisions of 25 TAC Chapter 295, Subchapter C.

### **Summary of TAC 295.39**

The above summaries are provided as a courtesy, but should not be substituted for a review of the TAC, available online at:

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=4&ti=25&pt=1&ch=295](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=295)

Applications for reciprocity and provisional licenses may be found online at:

<http://www.dshs.texas.gov/asbestos/reciprocity/license/application>

<http://www.dshs.texas.gov/asbestos/provisional/license/application>

The application and license fee should be submitted in accordance with the instructions on the application.

Please submit questions/comments regarding the provisional or reciprocity licensing process to the Environmental and Sanitation Licensing Group via:

[Asbestos.provisional@dshs.state.gov](mailto:Asbestos.provisional@dshs.state.gov)

### **Asbestos Identification and Abatement:**

No waivers are being granted regarding the requirements for identifying and abating asbestos.

## **Notifications**

As required by state and federal law, asbestos abatement projects require that DSHS be notified prior to the project beginning. Unless otherwise required under federal law, the requirement that the notice be given 10 days before the project begins is waived under this guidance document. If consistent with federal law, an emergency notification may be submitted in lieu of a standard notification without penalty and the requirement for a formal notification to follow the emergency notification is waived.

Notification fees are waived, as well.

## **Inspections**

All asbestos abatement projects remain subject to unannounced inspections. Failure to follow proper abatement processes will be addressed using standard enforcement processes, which may include revocation of provisional licenses issued to out-of-state registrants or licensees.